

3738
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PATENT

Docket No: 33649-14

CERTIFICATE OF MAILING

Whereby certify that this paper is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment; Commissioner for Patents; P.O. Box 1450; Alexandria, VA 22313-1450 on June 14, 2005.

Bernie S. Herne

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Applicant: Thomas Terwee et al : Paper No.:
Serial No.: 09/996,290 : Group Art Unit: 3738
Filing Date: November 28, 2001 : Examiner: C. Prone
For: **Device for Use in Eye Surgery**

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Transmitted herewith is a Response to Restriction Requirement in the above identified application.

- ☒ No additional fee is required.
☒ Also attached: Return Postcard.

The fee has been calculated as shown below:

	NO. OF CLAIMS	HIGHEST PREVIOUS PAID FOR	EXTRA CLAIMS	RATE	FEE
Total Claims	50	50	0	x \$50 =	\$0
Independent Claims	3	3	0	x \$200 =	\$0
TOTAL FEE DUE					\$0.00

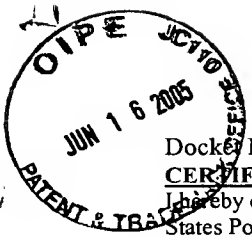
- ☐ A check in the amount of \$0 is enclosed.
- ☐ Please charge \$00.00 to our Visa credit card. Form PTO-2098 is enclosed.
- ☐ The Commissioner is hereby authorized to charge payment of any additional fees associated with this communication or credit any overpayment, to Deposit Account No. 04-1133, including any filing fees under 37 CFR 1.16 for presentation of extra claims and any patent application processing fees under 37 CFR 1.17.

Respectfully submitted,

Holly D. Kozlowski
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Bonnie L. Helmer

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Serial No.: 09/996,290 : Group Art Unit: 3738
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For: **Device for Use in Eye Surgery**

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In the Official Action dated May 17, 2005, the Examiner required restriction under 35 U.S.C. §121 between claims 33-39, 41-43, 68-79, 80 and 82, drawn to a method of performing visual correction in a patient, and claims 44-50, 55-57 and 60-67, drawn to a sealing device for use in ophthalmic surgery. The Examiner asserted that the product as claimed can be used in a materially different process.

Applicants elect claims 33-39, 41-43, 68-79, 80 and 82 for further prosecution on the merits. This election is made with traverse on the basis that it would not be unduly burdensome for the Examiner to examine all of claims 33-39, 41-50, 55-57 and 60-82 in this application, particularly since the Examiner has already substantively examined all of the claims in this application in the Official Actions of July 14, 2003, February 10, 2004 and August 11, 2004. Accordingly, reconsideration of the restriction requirement is respectfully requested.

Respectfully submitted,

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